

Notice of Allowability

Application No.

10/032,155

Examiner

Qamrun Nahar

Applicant(s)

SHANN, RICHARD

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 10/05/2006.
2. ☒ The allowed claim(s) is/are 1-3, 5-7, 10-12 and 16-21, renumbered 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 10/05/2006.
2. The objection to the oath or declaration filed on 12/16/2005 is withdrawn in view of applicant's remarks/arguments.
3. The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter to claims 13-20 is withdrawn in view of applicant's amendment and remarks/arguments.
4. The rejection under 35 U.S.C. 102(b) as being anticipated by Palay (U.S. 5,613,120) to claims 1-20 is withdrawn in view of applicant's amendment and remarks/arguments.
5. Claims 1, 8, 11 and 16-20 have been amended.
6. Claims 4 and 13-15 have been canceled.
7. Claim 21 has been added.
8. Claims 1, 10, 11, 16, 18 and 19 have been amended (See Examiner's Amendment below).
9. Claims 8 and 9 have been canceled (See Examiner's Amendment below).
10. Claims 1-3, 5-7, 10-12 and 16-21 are pending.
11. Claims 1-3, 5-7, 10-12 and 16-21 are allowed, renumbered 1-15.

EXAMINER'S AMENDMENT

12. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with E. Russell Tarleton (Reg. No. 31,800) on 11/1/06.

The application has been amended as follows:

In the Claims:

Please cancel claims 8 and 9; and

please amend claims 1, 10, 11, 16, 18 and 19 as follows:

Claim 1 (Currently amended),

At line 3, after "plurality of" insert symbol

At line 11, after "contents of the symbol", delete [attributes] and insert attribute

At line 12, after "instruction;" delete [and]

At line 13, before "number", delete [the] and insert a

At line 14, after "have been read" insert ; wherein said plurality of symbol attributes includes said pass value indicative of a most recent repetition of reading said set of relocation instructions during which a value of said symbol has been retrieved; and wherein determining if the pass value indicative of the most recent repetition is equal to or only one less than said recorded pass value and in response to said determination placing a predetermined value in a store

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8-9. (Canceled)

Claim 10 (Currently amended),

At line 1, after “claim”, delete [9] and insert 1

Claim 11 (Currently amended),

At line 10, before “number”, delete [the] and insert a

At line 14, before “current” delete [the]

Claim 16 (Currently amended),

At line 4, after “a plurality of” insert symbol

At line 5, after “attributes”, delete [associates] and insert associated

At line 12, after “symbol”, delete [attributes] and insert attribute

At line 14, before “number”, delete [the] and insert a

At line 15, after “recorded” insert ; and wherein the plurality of symbol attributes includes the pass value indicative of a most recent repetition of reading the set of relocation instructions during which a value of the symbol has been retrieved, and further including a determination of whether the pass value is equal to or only one less than the recorded pass value, and in response to the determination placing a predetermined value in a store

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18. (Currently amended) The computer program product of claim 17, ~~wherein the plurality of symbol attributes includes a pass value indicative of the most recent repetition of reading the set of relocation instructions during which the value of the symbol has been retrieved, and further including a determination of whether the pass value is equal to or only one less than the recorded pass value, and in response to the determination placing a predetermined value in the store, further comprising~~ reading the predetermined value placed in the store, and deleting the section data labeled by the symbol in response to the value of the predetermined value.

Claim 19 (Currently amended),

At line 1, after “implemented”, delete [in an] and insert on a

At line 2, before “for linking”, delete [electronic processor] and insert computer system

At line 13, after “associated symbol”, delete [values] and insert value

At line 13, after “associated symbol value”, delete [have] and insert has

At line 14, before “current”, delete [the] and insert a

- END -

REASONS FOR ALLOWANCE

13. The following is an examiner’s statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, recording a pass value indicative of a number of times said set of relocation instructions from said plurality of object code modules have been read; wherein said

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plurality of symbol attributes includes said pass value indicative of a most recent repetition of reading said set of relocation instructions during which a value of said symbol has been retrieved; and wherein determining if the pass value indicative of the most recent repetition is equal to or only one less than said recorded pass value and in response to said determination placing a predetermined value in a store as substantially recited in independent claims 1 and 16; and further fail to teach recording a pass value indicative of a number of times said set of relocation instructions have been read; where said relocation instruction is a data retrieval instruction, identifying the symbol identified by said symbol field, determining if said associated symbol value has been retrieved by a further data retrieval instruction during current or previous repetition of reading said set of relocation instructions, and responsive to said determination placing a predetermined value in a store as substantially recited in independent claims 11 and 19.

The closest cited prior art, Palay (U.S. 5,613,120) teaches a method of linking a plurality of object code modules to form an executable program. However, Palay (U.S. 5,613,120) fails to teach recording a pass value indicative of a number of times said set of relocation instructions from said plurality of object code modules have been read; wherein said plurality of symbol attributes includes said pass value indicative of a most recent repetition of reading said set of relocation instructions during which a value of said symbol has been retrieved; and wherein determining if the pass value indicative of the most recent repetition is equal to or only one less than said recorded pass value and in response to said determination placing a predetermined value in a store as substantially recited in independent claims 1 and 16; and further fail to teach recording a pass value indicative of a number of times said set of relocation instructions have been read; where said relocation instruction is a data retrieval instruction, identifying the symbol

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identified by said symbol field, determining if said associated symbol value has been retrieved by a further data retrieval instruction during current or previous repetition of reading said set of relocation instructions, and responsive to said determination placing a predetermined value in a store as substantially recited in independent claims 11 and 19; and as pointed out by the applicant's remarks/arguments on pg. 9, par. 2 to pg. 11, par. 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

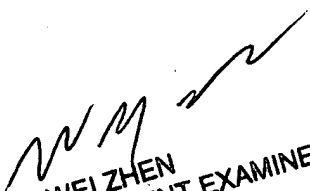
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Qamrun Nahar
November 8, 2006



WEI ZHEN
SUPERVISORY PATENT EXAMINER